



CITY OF FRANKLIN

DEPARTMENT OF PLANNING & ENGINEERING

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BZA Staff Report

To: Board of Zoning Appeals Members
From: Alex Getchell, Associate Planner
Date: November 18, 2015
Re: Cases ZB 2015-17 (V) | Meijer Fuel Center | Woolpert, Inc.

REQUESTS:

Case ZB 2015-11 (V)...Meijer Fuel Center. A request for development standards variances from the City of Franklin Zoning Ordinance, Article 8, Chapter 3 Non-Residential Sign Standards (Maximum Freestanding Sign Area) in the MXR: Mixed-use, Regional Center zoning district and the Gateway-Overlay Zoning District. The property is located on the west side of N. Morton Street, between Simon Road (South) and Commerce Drive (North), with a common address of 2354 N. Morton Street.

PURPOSE OF STANDARD:

The “MXR”, Mixed Use: Regional Center zoning district is intended to provide locations for a variety of business and institutional land uses that either serve a regional market, or require convenient access to high-volume transportation routes. This district is intended to permit a mixture of compatible land uses in close proximity to appropriate transportation routes and other necessary infrastructure.

The intent of the Gateway Overlay (GW-OL) district is to require development at the City’s entrances that is aesthetically consistent, responsive to development pressures, and proportional to the area’s traffic management issues.

CONSIDERATIONS:

Proposed Use

1. Woolpert, Inc., on behalf of Meijer, has received Primary Plat approval, Rezoning to MXR and Annexation approval/adoption, and has received Site Development Plan Review (SPR) approval for a new 193,000 sq. ft. Meijer store, on 20.55 acres, and a Meijer Fuel Center on 1.76 acres, on the west side of N. Morton Street and located between Simon Road (South) and Commerce Drive (North).
2. The Meijer Fuel Center will share vehicular access (right-in, right-out) on N. Morton Street with the main Meijer store. An entrance will also be provided to the Fuel Center via an access/private road that runs between Commerce Drive and Simon Road, located immediately to the west of the Fuel Center.
3. Meijer is proposing the Fuel Center freestanding sign to be 119.38 sq. ft. (see the attached sign package).

Signage

4. According to Article 8, Chapter 3 of the City of Franklin Zoning Ordinance, the Meijer Fuel Center is permitted the following signage, subject to sign permits being obtained prior to installation of all signage:

- 2 square feet of sign area for every 1 linear foot of building frontage, or a maximum of 600 sq. ft., whichever is smaller. In this case, since the fuel center canopy is 100 linear feet along N. Morton Street, the Meijer Fuel Center is permitted 200 sq. ft. of sign area.
 - Maximum number of five signs are permitted, one of which can be a freestanding sign.
 - Freestanding signs are limited to a maximum of 100 sq. ft. in sign area. *The petitioner is proposing to exceed the maximum freestanding sign area allowed for the Meijer pole sign by 19.38 sq. ft., for total of 119.38 sq. ft.*
 - Freestanding signs are limited to a maximum of 25 ft. in height.
5. The petitioner is proposing 4 total signs (1 freestanding, & 3 wall/canopy), as follows:
 - Canopy Sign: “Meijer” (North) – 25.11 sq. ft.
 - Canopy Sign: “Meijer” (East) – 25.11 sq. ft.
 - Canopy Sign: “Meijer” (South) – 25.11 sq. ft.
 - Freestanding (Pole sign with Fuel Prices): **119.38 sq. ft., 25ft. in height (Exceeds max. by 19.38 sq. ft.)**
 - TOTAL SIGN AREA: 194.71 sq. ft. (*Below maximum permitted sign area by 5.29 sq. ft.*)
 6. The proposed freestanding sign would be in two sections:
 - Top section: “meijer” illuminated cabinet 15’ 3” wide by 6’ 6” tall = 99.13 sq. ft.
 - Bottom section: Digital fuel price cabinet 7’ 1 ¾” wide by 2’ 10” tall = 20.25 sq. ft.
 7. For comparison, listed below are several nearby businesses and their current freestanding signage, listed in order as you drive south on N. Morton, from Commerce Drive to Walmart:
 - BMO Harris Bank: 68 sq. ft.
 - Chili’s: 79.2 sq. ft.
 - *Meijer proposed freestanding sign:* 119.38 sq. ft.
 - Starbucks: 79.3 sq. ft. (ZB 2006-03; exceeded maximum total sign area)
 - First Merchants Bank: 63.75 sq. ft.
 - Multi-tenant sign, including Lowe’s: 160 sq. ft. (shared with Dollar Tree retail strip center)
 - Sunoco/Food Mart: 100.64 sq. ft. (Multi-tenant with Fuel prices)
 - Walmart: 140 sq. ft.
 8. The petitioner states they have proposed the freestanding sign at that size, due to the need to be visible from N. Morton Street, and the need to display fuel prices on the sign.
 9. The proposed sign will be placed approximately 40 feet from edge of pavement of N. Morton Street and will be 25 feet in height.
 10. The proposed Meijer Fuel Center freestanding sign, which would include fuel prices, would be 150%-180% of the size of the four single-tenant freestanding signs in closest proximity. Staff is unaware of any visibility issues with the BMO Harris Bank, Chili’s, Starbucks, or First Merchants Bank freestanding signage.
 11. In addition to the freestanding sign, the Fuel Center will have 3 “meijer” signs displayed, along with the distinctive Meijer “Award Blue” color band, around the fuel center canopy at approximately 20’ in height.

Comprehensive Plan & Zoning Ordinance

12. The 2013 Franklin Comprehensive Plan, Land Use Plan, identifies this area as Community Activity Center. “Community activity centers area intended as areas of mixed land uses that provide gathering places and goods and services for the entire community. Community activity centers may include churches, schools, community parks, grocery stores, gas stations, shopping centers, offices, banks and restaurants. Community activity centers may also include residences located on the upper floors of otherwise commercial buildings. Community activity centers are generally located along major streets and at prominent intersections where they are readily accessible by people from throughout the community.”

13. The definition of a practical difficulty, according to the 2004 City of Franklin Zoning Ordinance is: A difficulty with regard to one's ability to improve land stemming from regulations of this Ordinance. A practical difficulty is not a "hardship," rather it is a situation where the owner could comply with the regulations within the Zoning Ordinance, but would like a variance from the Developmental Standards to improve his/her site in practical manner. For instance, a person may request a variance from a side yard setback due to a large tree that is blocking the only location that would meet the Development Standards for a new garage location.
14. According to Article 2.5: A special exception or variance ceases to be authorized and is expired if the obtaining of an Improvement Location Permit, or the execution of the approval has not been completed within 1 year of the date the variance or special exception is granted. The variance or special exception shall also expire if the approved construction has not been completed and approved by the Planning Director as being consistent with all written commitments or conditions, the requirements of this Ordinance, and all applicable permits within 2 years of the date the approval is granted.
15. The surrounding zoning and land uses are as follows:

Surrounding Zoning:

North: MXR, Mixed-use: Regional Center
 South: MXC, Mixed-use: Community Center
 East: MXR, Mixed-use: Regional Center
 West: MXR, Mixed-use: Regional Center

Surrounding Land Use:

North: Vacant Commercial Lot
 South: Vacant Commercial Lot
 East: BMO Harris, Chili's, Starbucks
 West: Future Meijer Store

CRITERIA FOR DECISIONS – DEVELOPMENT STANDARDS VARIANCE:

(The petitioner will need to address the Criteria for Decisions in their presentation**)**

In taking action on all special exception and variance requests, the Board of Zoning Appeals shall use the following decision criteria, consistent with the requirements of the Indiana Code. The Board may grant a special exception and a variance from development standards and limitations of this Ordinance if, after a public hearing, it makes findings of facts in writing (consistent with IC 36-7-4-918.5) that:

DECISION CRITERIA – DEVELOPMENT STANDARDS VARIANCES

1. *General Welfare: The approval (will or will not) be injurious to the public health, safety, morals, and general welfare of the community.*

Staff Finding:

Staff finds the approval of the proposed variance to exceed the maximum freestanding sign area would be injurious to the public health, safety or general welfare of the community. Staff finds approval of the proposed 119.38 sq. ft. freestanding fuel center sign would be injurious to the general welfare of the community, as approval would allow a sign out of proportion with, and 150%-180% larger than the businesses directly across the street. Moreover, approval of a *new* freestanding sign larger than is allowed by ordinance would set a dangerous precedent, and would imply the Board does not believe the recently adopted (2013) Sign Standards are adequate for new developments; especially when this site is not hindered by unique or peculiar visibility / site features. Conversely, a freestanding sign which does meet the ordinance (25 feet in height and 100 sq. ft. in size) in combination with the fuel center canopy signs and color banding, would be clearly visible to traffic on N. Morton Street. The "meijer" sign cabinet proportionally reduced in size to be at the maximum freestanding sign area, would only require the reduction of 1' 7" from the width and 8" from the height of the top section ("meijer" logo) of the proposed sign.

2. *Adjacent Property: The use and value of the area adjacent to the property included in the variance (will or will not) be affected in a substantially adverse manner.*

Staff Finding:

Staff finds no evidence that approval of the proposal would affect any of the adjacent properties in a substantially adverse manner. The requested variance for additional sign area on a freestanding sign will not have a direct negative influence on the use or value of any of the adjacent properties.

3. ***Practical Difficulty: The strict application of the terms of the ordinance (will or will not) result in a practical difficulty in the use of the property. This situation shall not be self-imposed, nor be based on a perceived reduction of, or restriction on, economic gain.***

Staff Finding:

The strict application of the ordinance will not result in practical difficulties. Staff does not find any practical difficulty in utilizing a freestanding sign that meets the requirements of the ordinance. The top section of the sign could be proportionally reduced in size to 79.72 sq. ft. (13' 8" by 5' 10"), where the width and height of the sign cabinet would only have to be reduced by 1' 7" and 8", respectively, and the Fuel Center could still utilize the fuel price cabinet, as proposed, with 16" LED digits. Moreover, the four businesses immediately across N. Morton Street all employ freestanding signs smaller than the ordinance allows (and smaller than the staff-proposed reduced top cabinet size described above), and have done so for years without any known visibility issue. There is not a unique visibility or site feature associated with the Meijer Fuel Center location, compared to the businesses across N. Morton Street. Furthermore, three 25.11 sq. ft. "meijer" signs, along with the distinctive Meijer "Award Blue" color band, will be placed on three sides of the fuel station canopy, approximately 20 feet in height, which will sufficiently aid in the visibility of the Meijer properties. Therefore, staff finds a sign that meets the ordinance, 100 sq. ft. in size, would allow for a fuel price sign that is clearly legible to passing motorists, as the sign will be unobstructed and setback only 10 feet from the right-of-way, while still allowing ample sign area for brand identification ("meijer") and visibility of the business.

STAFF RECOMMENDATION – DEVELOPMENT STANDARDS VARIANCES

Based on the written findings above, staff recommends **denial** of the petition.

If the Board finds sufficient evidence to approve the variance, staff recommends the following condition of approval:

1. Sign permits shall be obtained prior to installation of all signage.